

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

CRAIG L. FOSTER,

Plaintiff,

vs.

Case No. 14-cv-970 SCY/WPL

GALLUP POLICE DEPARTMENT,

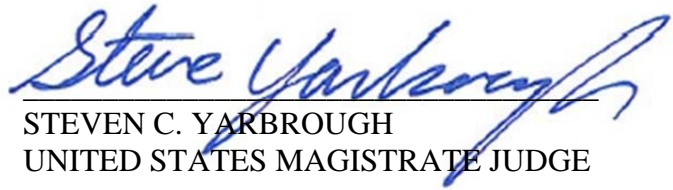
Defendant.

SUPPLEMENTAL ORDER TO SHOW CAUSE

THIS MATTER is before the Court on review of the record. On April 7, 2014, the Court entered an order requiring Plaintiff to show cause in writing within thirty days as to why, the Court should not dismiss Plaintiff's ADA claim. *Doc. 26*. The Court warned Plaintiff that failure to comply with this order might result in the dismissal of Plaintiff's ADA claim or the imposition of other sanctions. *Id.* Plaintiff, however, has not filed any response to the Court's April 7, 2014 order. Moreover, as described in Magistrate Judge Lynch's June 4, 2015 Order to Show Cause (*Doc. 30*), Plaintiff has subsequently failed to participate in the creation of the Joint Status Report and has failed to appear at the scheduling conference. Given this series of events, the Court is concerned that Plaintiff no longer intends to prosecute this lawsuit.

IT IS THEREFORE ORDERED THAT that Plaintiff file a written response to this order by June 22, 2015 explaining why, the Court should not dismiss Plaintiff's case for failure to prosecute under Federal Rule of Civil Procedure 41(b). If he so chooses, Plaintiff may incorporate this response into his response to Judge Lynch's Order to Show Cause, which is due the same day. The Court warns Plaintiff that failure to respond to this order and to Judge Lynch's Order (*Doc. 30*) will result in the dismissal of the entirety of Plaintiff's lawsuit under Federal Rule of Civil Procedure 41. *See Rogers v. Andrus Transp. Servs.*, 502 F.3d 1147, 1151 (10th Cir.

2007) (“Rule [41(b)] has long been interpreted to permit courts to dismiss actions *sua sponte* for a plaintiff’s failure to prosecute.”).



STEVEN C. YARBROUGH
UNITED STATES MAGISTRATE JUDGE